

THE TIMES (London)
30 JULY 1976

CIA may escape prosecution

From Fred Emery
Washington, July 29

There should be no criminal prosecution of the Central Intelligence Agency (CIA), according to a recommendation reported to have been sent yesterday by senior Justice Department officials to Mr Edward Levi, the United States Attorney General.

Informed sources here asserted that the recommendation was made despite the uncovering of multifarious offences against statutory law by CIA agents during the past 25 years, which included infractions of individual liberties.

The recommendation against prosecution is understood to go much farther than the instances reported in *The New York Times* this week. The newspaper reported that, in the instance of surreptitious CIA opening and monitoring of American foreign mail, explicitly denounced as lawbreaking by the investigation of the CIA conducted by Vice-President Rockefeller's presidential commission last year, the Justice Department had concluded that there was residual presidential authorization.

It is learnt that Mr Richard Thornburgh, the Assistant

Attorney General who leads the criminal division, has recommended that no prosecutions be sought against CIA agents who unlawfully eavesdropped on telephones here with electronic bugging; who conducted "surreptitious entries" or burglaries; who managed "Operation Chaos", a computerized surveillance index of suspected anti-Vietnam war subversives; or who plotted on American soil assassination attempts against foreign leaders such as Patrice Lumumba, the Congo leader, Dr Fidel Castro, the Cuban Prime Minister and former President Trujillo of the Dominican Republic.

No one has yet proved that those who actually died were killed at the hand, or the instigation, of the CIA.

The one remaining unsettled case would be that of Mr Richard Helms, the former CIA Director at present Ambassador to Iran, whose inconsistent congressional testimony is being examined for possible perjury. The same informed sources do not expect Mr Helms to face prosecution, although no recommendation has yet been made on this issue.

The decision on the recom-

mendation is, of course, for Mr Levi to make.

If he decides against prosecution, some outcry from congressional opponents is certain. How much and how serious it would be is uncertain as America's taste for pursuing the intelligence agencies has faded in the election year.

Mr Jimmy Carter, the Democratic candidate, has just received his first foreign policy briefing from Mr Bush, the CIA Director, thereby, some feel, restoring the agency's image.

The Justice Department declined to confirm that the recommendations had been made. Nor could it be learnt whether the same basis for not proceeding—namely assumed presidential authority for the lawbreaking—underlay any reasoning.

It had been part of one of the recommended articles for Mr Nixon's impeachment that he had allegedly misused his executive powers by interfering with the CIA among others. But it has since become clear from congressional investigations that the abuses originated under Franklin Roosevelt and continued under all succeeding Presidents. Presumably with their part-knowledge.